



THE TOWN OF  
**Holly  
Springs**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Petitions Pursuant to Section 706 of the	)	
Telecommunications Act of 1996	)	WC Docket No. 14-115
(Wilson)	)	
For Removal of State Barriers to	)	WC Docket No. 14-116
(Chattanooga)	)	
Broadband Investment	)	
and Competition	)	

**COMMENTS OF THE TOWN OF HOLLY SPRINGS, NC**

**I. INTRODUCTION**

The town of Holly Springs is a municipality in the state of North Carolina. Holly Springs submits these comments in full support of the dual Petitions of the City of Wilson, North Carolina ("Wilson")<sup>1</sup> and the Electric Power Board of Chattanooga, Tennessee ("EPB")<sup>2</sup> (collectively "Petitioners") filed on July 24, 2014, and released for public comment on July 28, 2014.<sup>3</sup> It is our intent that these comments, as well as those submitted by other public

<sup>1</sup> See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by City of Wilson, North Carolina, WC Docket No. 14-115 (filed July 24, 2014) (Wilson, NC Petition).

<sup>2</sup> See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by Electric Power Board, Chattanooga, Tennessee, WC Docket No. 14-116 (filed July 24, 2014) (EPB Petition).

<sup>3</sup> See Pleading Cycle Established for Comments on Electric Power Board and City of Wilson Petitions, Pursuant to Section 706 of the Telecommunications Act of 1996, Seeking Preemption of State Laws Restricting the Deployment of Certain Broadband Networks, Public Notice, WCB Docket Nos. 14-115 and 14-116 (rel. July 28, 2014).

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entities, businesses, and individuals will assist the Federal Communications Commission ("FCC") in making a determination to preempt state laws restricting the deployment of certain broadband networks, thereby placing control of such a vital resource in the hands of communities and citizens.

## **II. BACKGROUND**

As we outline below, Holly Springs has been able to take limited steps to meet some internal communications needs, and has done so very successfully, demonstrating how much innovation is possible when localities are engaged. However, we are severely hampered in being able to consider a full range of strategies under existing law. In May, 2013, the town of Holly Springs commissioned a business case to examine the potential costs and benefits of public investment in a fiber optic network to serve the Town. Along with connecting Town facilities, the network would seek to serve local schools and support a robust public WiFi network. It would also enable field workers prompt access to information that is critical to important community work related to public and public works, among other municipal departments. Further, the construction of such a "middle mile" network would potentially allow private sector providers access to a backbone that would facilitate serving local businesses and residences. Private sector providers could build their own "last mile" facilities to connect to fiber leased from the Town's network, thereby enabling them to serve parts of the community they may be otherwise unable to reach. In June, 2013, the Town Council voted to approve

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funding to support construction of the network, and the base network was completed in 2014.

The network was expected to enhance communication abilities between Town facilities, and provide savings to the Town on broadband expenses over time. Already, the network has succeeded in providing stronger, more reliable connectivity between public buildings and community anchor institutions. A large public WiFi network – which is supported by the fiber backbone – also serves various locations throughout the Town. These locations include green spaces, parks, and public community spaces, and they provide access to a range of unique users, some of whom may not have alternative access. The speeds now realized by our public facilities are exponentially faster than telecommunications services previously obtained by outside providers at prices comparable to what we will ultimately end up paying for having constructed a network that is more secure, will have a long life, and is owned and operated by the municipality whose sole purpose is to serve the community.

One of the goals of the Holly Springs network was to enable private sector providers to offer services throughout the community in areas that may have been cost-prohibitive were it not for access to the core “middle mile” fiber. One provider has opted to lease space on the network, and they are a private sector entity that is able to utilize the backbone to facilitate potential economic development by providing services to businesses with high bandwidth needs, attracting businesses of all sizes to the community, enabling

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telework, and retaining existing businesses who may find that their need for broadband is critical and nonnegotiable as they grow. Because the Town is not able to act directly as a service provider under state law, enabling private sector providers to offer services especially to businesses is a key component of successful economic growth and full implementation of the community network.

### III. STATEMENT OF SUPPORT

Holly Springs is an example of a community where private sector entities like Google and AT&T have expressed no interest or willingness at this time to build fiber infrastructure. While this does not necessarily indicate that private industry will *never* bring fiber infrastructure to Holly Springs or communities like it, the benefits realized by already having a large, ringed network in place are many. The existence of this network sets us apart from other communities of similar size and demographic. Were it not for the Town pursuing the possibility of a municipally constructed fiber network, allocating public funds, and taking the necessary steps to build a fiber backbone, we would not be in the unique position for growth where we now find ourselves. Because of our robust fiber network, the Town is palatable for new businesses and attractive to researchers, particularly given its proximity to Research Triangle Park. Again, the distinguishing factor is the network infrastructure that is not readily available everywhere but that is especially desirable in a

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location where such a dense collection of technical, pharmaceutical, and engineering businesses exists alongside world-renowned research facilities.

Holly Springs is illustrative of the power of local effort, innovation and investment, but is also an example of a community where many possibilities that could potentially be leveraged through the existence of a fiber network are precluded by state law. Though the Town has found a way to serve our citizens and community to the fullest extent possible under the law, still many options are unable to be realized due to the stymying effect of North Carolina anti-municipal broadband legislation. Public-private partnerships that are possible in other states are often impeded or even outright prohibited in those where such laws exist. We believe that we should be allowed to take full advantage of the network that we constructed as stewards of this community, and that other communities like ours should be afforded the same right. Municipalities should have the option to construct networks like ours, and to serve end-user customers if such service is beneficial for the community and its citizens. We posit that municipal owners and operators of broadband networks should have full authority to determine what type of services or combination thereof to offer within their communities, unhindered by state-level legislation that may be insensitive to the nuances of each community.

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## VII. CONCLUSION

We fully support the Commission's removal of these artificial state barriers to broadband infrastructure investment, deployment, competition, and innovation. Ultimately it is about preserving local choice. At this critical time in our country's history, when the rest of the world is rapidly deploying this essential 21st century infrastructure, all options must be on the table for our country to remain globally competitive. Removing the barriers to broadband investment and competition as requested in the Petitions will enable more communities to be self-reliant, and better enable America to maximize all resources so that no one is left behind and unable to participate in this knowledge-based global economy. We respectfully request the Commission to consider our comments as it continues its review of these petitions.

Respectfully submitted,

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